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CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ortyn et al. Attorney Docket No. BIOL0082

Serial No.: 10/822,170 Group Art Unit: 3662

Filed: April 9, 2004 Examiner:

Title: AUTO FOCUS FOR A FLOW IMAGING SYSTEM

INFORMATION DISCLOSURE STATEMENT

Bellevue, Washington 98004

August 18, 2004

TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

1. A copy of the Other Information, Reference O2 is enclosed for the Examiner's use.
2. Copies of the listed patents, publications, and other information were previously cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. 09/939,292 filed August 24, 2001, and 10/348,193, filed January 16, 2003, and relied upon for an earlier filing date under 35 U.S.C. § 120.
3. A concise explanation of the relevance of document I.D. No. \_\_\_\_\_ (which is not in the English language), as presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about its content, is provided \_\_\_\_\_.
4. Pursuant to 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within three months of the filing date of the national application, within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits.
5. Pursuant to 37 C.F.R. § 1.97(c), this information disclosure statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, and is accompanied by:
- a. \_\_\_\_\_ a certification as specified in 37 C.F.R. § 1.97(e); or
- b. \_\_\_\_\_ the fee set forth in 37 C.F.R. § 1.17(p). Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed.

6. Pursuant to 37 C.F.R. § 1.97(d), this information disclosure statement is being filed after the mailing date of either:

- a. \_\_\_\_\_ a final action under 37 C.F.R. § 1.113; or
  - b. \_\_\_\_\_ a notice of allowance under 37 C.F.R. § 1.311,

but before payment of the issue fee. The statement is accompanied by a certification as specified in 37 C.F.R. § 1.97(e), a statement requesting consideration of the information disclosure statement, and the petition fee set forth in 37 C.F.R. § 1.17(p). Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed.

- X 7. Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940. A copy of this sheet is enclosed.

Respectfully submitted,  
  
Michael C. King  
Registration No. 44,832

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 18, 2004.

Date: August 18, 2004

Katryna



**INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE  
PROSECUTION OF THE SUBJECT APPLICATION**

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Serial No.: 10/822,170 Group Art Unit: 3662  
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Title: AUTO FOCUS FOR A FLOW IMAGING SYSTEM

**U.S. PATENT DOCUMENTS**

*Examiner <u>Initial</u>	<u>ID</u>	<u>Document No.</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub-Class</u>
	US1	2002/0126275	09/12/2002	Johnson	356	317
	US2	2001/0006416	07/05/2001	Johnson	356	73
	US3	Re. 35,868	08/11/1998	Kosaka	250	574
	US4	2,772,479	12/04/1956	Doyle		
	US5	3,432,237	03/11/1969	Flower et al.	356	28
	US6	3,525,695	08/25/1970	Gamertsfelder et al.		
	US7	3,706,494	12/19/1972	Gardner		
	US8	3,711,200	01/16/1973	Maughmer	356	28
	US9	3,832,059	08/27/1974	Iten	356	28
	US10	3,856,403	12/24/1974	Maughmer et al.	356	28
	US11	3,922,069	11/25/1975	Kishikawa et al.	359	633
	US12	3,953,126	04/27/1976	Kim et al.	356	28
	US13	4,148,585	04/10/1979	Bargeron et al.	356	28.5
	US14	4,729,109	03/01/1998	Adrian et al.	364	560
	US15	4,770,992	09/13/1988	Van den Engh et al.	435	6
	US16	4,786,165	11/22/1988	Yamamoto et al.	356	23
	US17	5,014,131	05/07/1991	Reed et al.		
	US18	5,054,913	10/08/1991	Ishikawa et al.	356	28.5
	US19	5,096,807	03/17/1992	Leaback	435	6
	US20	5,141,609	08/25/1992	Sweedler et al.	356	344
	US21	5,159,397	10/27/1992	Kosaka et al.	356	73
	US22	5,159,398	10/27/1992	Maekawa et al.	356	73
	US23	5,159,642	10/27/1992	Kosaka	382	6
	US24	5,160,976	11/03/1992	Carr et al.	356	349
	US25	5,229,830	07/20/1993	Ishida et al.	356	28.5
	US26	5,247,339	09/21/1993	Ogino	356	73
	US27	5,247,340	09/21/1993	Ogino	356	73
	US28	5,272,354	12/21/1993	Kosaka	250	574
	US29	5,333,044	07/26/1994	Shaffer	356	28
	US30	5,422,712	06/06/1995	Ogino	356	73
	US31	5,444,527	08/22/1995	Kosaka	356	73

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<u>*Examiner Initial</u>	<u>ID</u>	<u>Document No.</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub-Class</u>
	US32	5,471,294	11/28/1995	Ogino	356	73
	US33	5,491,642	02/13/1996	Wormell et al.		
	US34	5,548,395	08/20/1996	Kosaka	356	73
	US35	5,596,401	01/21/1997	Kusuzawa	356	23
	US36	5,633,503	05/27/1997	Kosaka	250	458.1
	US37	5,644,388	07/01/1997	Maekawa et al.	356	73
	US38	5,674,743	10/07/1997	Ulmer	435	287.2
	US39	5,695,934	12/09/1997	Brenner	435	6
	US40	5,754,291	05/19/1998	Kain	356	344
	US41	5,760,899	06/02/1998	Eismann	356	326
	US42	5,831,723	11/03/1998	Kubota et al.	356	73
	US43	5,848,123	12/08/1998	Strommer	378	98.8
	US44	5,855,753	01/04/1999	Trau et al.	204	484
	US45	5,859,694	01/12/1999	Galtier et al.	356	28.5
	US46	5,929,986	07/27/1999	Slater et al.	356	326
	US47	5,959,953	09/28/1999	Alon	369	44.41
	US48	5,982,478	11/09/1999	Ainsworth et al.		
	US49	6,007,994	12/28/1999	Ward et al.	435	6
	US50	6,014,468	01/11/2000	McCarthy et al.	382	254
	US51	6,066,459	05/23/2000	Garini et al.	435	6
	US52	6,116,739	09/12/2000	Ishihara et al.	353	31
	US53	6,156,465	12/05/2000	Cao et al.	430	30
	US54	6,210,973	04/03/2001	Pettit	436	172
	US55	6,211,955	04/03/2001	Basiji et al.	356	326
	US56	6,249,341	06/19/2001	Basiji et al.	356	73
	US57	6,256,096	07/03/2001	Johnson	356	335
	US58	6,330,081	12/11/2001	Scholten	358	463
	US59	6,381,363	04/30/2002	Murching et al.	382	164
	US60	6,522,781	02/18/2003	Norikane et al.	382	203

### FOREIGN PATENT DOCUMENTS

<u>*Examiner Initial</u>	<u>ID</u>	<u>Document No.</u>	<u>Publication Date</u>	<u>Country</u>	<u>Class</u>	<u>Sub-Class</u>	<u>Translation?</u>
	F1	WO 00/42412	20.07.2000	PCT	GO1N 15/02	12	NO

### OTHER INFORMATION

- O1      Kubota, Fumio et al. 1995. "Flow Cytometer and Imaging Device Used in Combination." *Cytometry*: 21:129-132.

## OTHER INFORMATION

- \_\_\_\_\_ 02 Kubota, F. 2003. "Analysis of red cell and platelet morphology using an imaging-combined flow cytometer." *Clin. Lab. Haem.*: 25:71-76.
- \_\_\_\_\_ 03 Ong, Sim Heng. 1985. Development of a System for Imaging and Classifying Biological Cells in a Flow Cytometer. Doctor of Philosophy Thesis. University of Sydney, School of Electrical Engineering. (August)
- \_\_\_\_\_ 04 Ong, S.H. et al. 1987. "Development of an Image Flow Cytometer." *Analytical and Quantitative Cytology and Histology. XIVth International Conference on Medical and Biological Engineering and the VIIth International Conference on Medical Physics*, Finland. (August): 375-382.
- \_\_\_\_\_ 05 Ong, S.H. and P.M. Nickolls. 1991. "Optical Design in a Flow System For Imaging Cells." *Sciences in Medicine*: 14:2:74-80.
- \_\_\_\_\_ 06 Ong, S.H. and P.M. Nickolls. 1994. "Analysis of MTF Degradation in the Imaging of Cells in a Flow System." *International Journal of Imaging Systems & Technology*: 5:243-250.
- \_\_\_\_\_ 07 Satoh, Kaneo et al. 2002. "Small Aggregates of Platelets Can Be Detected Sensitively by a Flow Cytometer Equipped With an Imaging Device: Mechanisms of Epinephrine-Induced Aggregation and Antiplatelet Effects of Beraprost." *Cytometry*: 48:194-201.
- \_\_\_\_\_ 08 Wang, Fu-sheng and Fumio Kubota. 2002. "A Novel Apoptosis Research Method With Imaging-Combined Flow Cytometer and HITC OR IR-125 Staining." *Cytometry*: 50:267-274.
- \_\_\_\_\_ 09 Wietzorrekk, Joachim et al. 1999. "A New Multiparameter Flow Cytometer: Optical and Electrical Cell Analysis in Combination With Video Microscopy in Flow." *Cytometry*: 35:291-301.

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Examiner's Signature

Date

\*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MCK/RMA:KLP  
8/18/2004